

**TELSTRA UNIONS: Saga may be nearing end**

**HAYMAN NBN SOLUTION: Greens not so keen**

**COMMENT: What needs to be done for UFB to work**

**BT ASIA PAC**

**Announced aggressive MNC strategy, plans to hire more staff in 3 Australian cities**

# COMMUNICATIONS DAY

10 SEPTEMBER 2010

What's happening today in telecom business, policy & technology

ISSUE 3833

## Regional focus restored as Crown Fibre moves on bids

New Zealand's Crown Fibre Holdings has moved three regional fibre bidders to the front of the queue in announcing the partner shortlist for the government's NZ\$1.35 billion Ultra-Fast Broadband project.

The shortlist is made up of 14 bidders including Telecom NZ and members of the New Zealand Regional Fibre Group. A total of 15 organisations submitted revised UFB bids.

Canadian bidder Axia Netmedia is the only bidder officially out of the race. In a media statement CFH said Axia's bid contained "elements that were not part of the government's UFB policy."

Three regional companies: NorthPower, the Central North Island Fibre Consortium and Alpine Energy will soon enter detailed negotiations over binding agreements to service their respective areas. All three are members of the New Zealand Regional Fibre Group which brings together community-owned lines companies

NorthPower's bid covers Whangarei, Alpine covers Timaru and the Central North Island Fibre Consortium covers a large area of the North Island including Hamilton, Tauranga, Tokoroa, New Plymouth, Hawera and Wanganui. Collectively these bids cover eight of the original 33 candidate areas.

CFH Chairman Simon Allen told CommsDay the three companies were chosen first because: "They combined all the attributes we were looking for." He said CFH was focused on the build price; "our drive is to get the build for the dollar."

CFH's decision to go with three regional players indicates the government is sticking to the original game plan of creating Local Fibre Companies rather than taking the one-size fits all national approach chosen by the Ministry of Economic Development for the Rural Broadband Initiative (RBI).

While Telecom NZ is still on the shortlist, the fast-tracking of the three regional bids, which collectively account for around 15% of the total UFB footprint, shoots holes through the company's bid to build a centrally-managed national fibre network. However Allen said the company is still in contention in the remaining 25 areas and "has already indicated its willingness to work with other bidders".

Trading in Telecom NZ shares was suspended when the announcement was made. When they reopened the price dropped 5% falling 10 cents to NZ\$2.03. It dropped as low as NZ\$2 later in the day before recovering slightly. Vector's shares dropped 3 cents or 1.5% following the announcement.

Telecom NZ CEO Paul Reynolds had previously said his company would only take part in the UFB with a nationwide bid. The company issued a statement reiterating this. Reynolds talked of the need to engage with the whole of government to meet its challenging timeframe. Telecom NZ also said it is evaluating the detail of the announcement and remains open to partnerships with other fibre players.

The shortlisted companies, including Telecom NZ, will stay in the race for the remaining regions. The major cities: Auckland, Wellington, Christchurch and Dunedin all remain contestable.

Allen said: "All shortlisted parties remain important contenders for future negotiations of binding agreements. CFH is open to either a Telecom, New Zealand Regional Fibre Group solution, or some form of combination for the balance of the UFB project."

He said CFH has an open mind about the remaining bids and expects to see more regional consolidation.

Allen said there were other bids, in addition to the three already through to the negotiation stage, which could have been added to the list. However, he said: "We have quite a lot on our plate negotiating with these three."

Communications minister Steven Joyce said: "The proposals of the three parties elected for negotiations as part of the first stage of the roll-out show significant promise and would deliver a strong first step in the roll-out of UFB. I look forward to receiving CFH's recommendations on binding offers in October and to seeing the first deployments commencing before the end of the year."

Allen said CFH is on track to make its recommendations for binding offers to cabinet in October and to start building the UFB before the end of the year. He said the next stage of the process will be to negotiate with the three selected bidders and to provide the shortlisted companies with feedback or debriefing on their bids. He said Axia Netmedia CEO Art Price was debriefed yesterday.

Axia Netmedia CEO Art Price said in a statement: "Key elements of Axia's national UFB proposal served to also support the rural and wireless sectors so we are evaluating whether Axia's continued participation in the Rural Broadband Initiative competitive bid process is worthwhile."

Bill Bennett

## **Has Telstra's torrid union saga reached its end?**

The long saga of Telstra's turbulent relations with unions over Enterprise Agreements appears to have finally reached its conclusion, with employees voting resoundingly in favour of a new agreement hammered out through years of often rocky negotiations.

The telco itself called a ballot on the agreement just weeks ago with the support of the Communications, Electrical and Plumbing union. While the persistent sticking point of pay differences between the contracts and non-union Employee Collective Agreements remained unresolved, the CEPU nevertheless elected to leave the final decision up to members in light of uncertainties around economic conditions and government policies, citing the new EA as "a good outcome to... a difficult campaign, with the obvious exception of the final pay rise." According to Telstra, 86% of eligible employees voted in favour of the new agreement.

This would certainly remove a long-embedded thorn in Telstra's side. The helmsmanship of CEO David Thodey has improved the tenor of talks with the unions; his predecessor Sol Trujillo abandoned negotiations completely in late 2008, precipitating an campaign of industrial action by union members. However, discussions have nevertheless dragged on for months even after Thodey's more conciliatory approach won cautious trust from union leaders. And that trust has remained fragile; less than two months ago the CEPU was pursuing legal options over alleged monitoring by Telstra of union phone hook-ups while EA negotiations were ongoing.

Telstra said that it would now apply for approval of the two-year agreement by Fair Work Australia, after which employees would "enjoy an immediate pay increase of 2%, backdated to 1 July 2010, and further guaranteed increases of 2% on 1 October 2010, 1 July 2011 and 1 October 2011... top performers will also earn between 1.5% and 2.5% extra each year," according to the telco.

"The agreement also preserves industry-leading terms and conditions our employees enjoy such as hours of work, carer's and maternity leave and redundancy pay, and introduces new benefits such as salary packaging," added the firm. "We believe this is a good result for our employees and Telstra."

The CEPU could not be reached for comment by the time of going to press.

Petroc Wilton

## **Hayman solution headed for trouble in hung parliament?**

The buzz around the reported "Hayman solution" to NBN costing continues to escalate – but early indicators from the Australian Greens suggest there could be a rocky road ahead for the model in a hung Parliament. The model, which would see the rollout in metro areas funded by private investment and the public cost burden limited to around \$10 billion in the regions, was reported under Chatham House rules thus leaving the source unnamed by Business Spectator's Robert Gottlieb although he

has intimated it came from close to NBN Co.

NBN Co has denied that it is working on the model and government sources have so far remained silent, but in an appearance on the Twisted Wire podcast Gottliebsen reiterated the key points – and a response from Greens comms spokesperson Scott Ludlam suggested that an eleventh-hour funding shakeup of this kind might not have an easy time in the context of a minority government.

“We’ll look at whatever proposal comes forward, but I’ve got a substantial problem with a corporate player – whose first obligation will be to their shareholders – owning monopoly infrastructure and seeking monopoly rates over it,” said Ludlam.

“It’s a pretty basic principle of economics; if that’s your asset, and you’re prevented from getting into the retail space, so assuming that we privatise this wholesale-only network, then the only way for them to [meet] shareholders’ demands for increasing profits is strip down to bare bones efficiency... cut costs, and then raise prices. And what exactly will exist to prevent them from doing that?”

“There’s a very strong public interest from a competition point of view for natural monopoly infrastructure to stay in public hands, and let the market concentrate in the diversity of the retail sector,” he added. “At the moment, there’s a degree of speculation around what’s been agreed to... actually, I would be surprised if they’re pushing for a private model, but those conversations haven’t been had yet.”

According to Gottliebsen, the regional independents whose allegiances ultimately decided the election were made aware of the Hayman solution shortly before making their decision, indicating that the prospect of a dramatically reduced NBN public cost may have helped sway them at the eleventh hour. But with the final result leaving a precarious balance in Parliament, the ALP will be looking to canvass the support of the Greens and all the independents to ensure the passage of any legislation required to support the reconfigured funding proposal

Petroc Wilton

## **VHA wades into NBN debate, wants fast-tracked backhaul**

Days after independent MPs parlayed their election-winning support into NBN rollout changes, VHA has seized on the opportunity to lodge its own request to the new federal government. The mobile carrier has publicly urged the administration to ensure that NBN Co prioritises mobile basestation connections in order to kickstart competition in regional areas.

VHA argued that fast-tracking fibre connections to mobile phone towers would promote consumer choice and give a stronger focus on rural and regional Australia. It said that the government would need to ensure NBN Co was mandated to deliver on the full promise for communications in Australia.

“We are very pleased that the NBN will progress as planned. The NBN should transform broadband and mobile communications for all Australians, but only if real competition is allowed to flourish particularly in regional and rural areas where we will be able to provide more coverage if base stations can be cost-effectively connected,” said VHA CEO Nigel Dews.

“While we are hearing the right noises from the NBN Co about base stations being connected, we won’t be reassured until we see confirmation of this as a priority and see it become policy.”

Petroc Wilton

## **Dodo ups the ante in terabyte quota war**

Broadband provider Dodo Australia CEO Larry Kestelman has labelled the new terabyte download quotas being introduced by the major ISPs as “ridiculous” and challenged them to follow his lead with unlimited plans. To make the point, Dodo has released a 3 terabyte ADSL2+ plan for \$39.85 per month – at a token five cents lower than its unlimited plan that it released on August 18. Kestelman told CommsDay that the plan was to draw attention to the unlimited offering and highlight the confusion of plans on the market that mix peak and off-peak data in their quotas.

“We want to be very clear about this and tell users to go for an unlimited plan,” he said, adding that the industry was “playing games” with its new focus on terabyte broadband offerings. However, if users were looking for a terabyte plan, he said the Dodo offering would have no conditions attached.

“In the past three weeks, a number of Australian ISPs launched broadband offerings of 1Terrabyte with conditions but when carefully scrutinised, proves unattractive. The release of an ADSL2+ 3TB plan at 5c less than our unlimited offering removes all confusion of Dodo as the leader of large download limits,” he said.

“We are the only provider to offer a national unshaped ADSL2+ unlimited plan, and the release of our new ADSL 2+ 3TB plan simply highlights just how far in front Dodo is when compared to the hype of its competitors’ 1TB plans.”

In recent weeks many of the major ISPs have launched terabyte plans including iiNet, TPG, Primus and earlier this week Internode. At the time of the Internode launch, CEO Simon Hackett told Comms-Day he didn't think unlimited plans would take off.

However, the Dodo CEO was confident that the company could make money from its new unlimited offerings, saying it was currently signing up "hundreds of users per day". The unlimited plans are available via both Optus and Telstra Wholesale ports.

He also said there would be no penalties for people that constantly downloaded data. “Our response to heavy downloaders is good luck to them. Take what you can get and good luck,” he suggested. “There’s no need for consumers to worry about peak and off-peak limits if they wish to use a substantial amount of data. Dodo can offer this protection through its new Unlimited and 3TB plans,” he said.

Dodo also announced that it has lowered its regional ADSL Unlimited price by \$20 per month to \$79.90 with a Dodo home phone or \$89.90 without.

Geoff Long

## **Clarity joins industry program at IBES**

Australian telco middleware provider Clarity is the latest company to join the Industry Partner Program at the University of Melbourne’s Institute for a Broadband-Enabled Society (IBES).

Sydney-headquartered Clarity will deploy its operational management software for the use of IBES industry partners and researchers, who use the lab to test and verify new broadband applications and business models. It said the software would make it easy for application and content providers to deploy their services over broadband networks.

IBES director Professor Rod Tucker said the software would allow IBES researchers to precisely emulate NBN-like scenarios. “The societal impact of the NBN will be profound and as a result, organisations like IBES will be able to develop new technologies, applications and services that will be in high demand as other nations follow Australia's lead,” he suggested.

Clarity CEO Jon Newbery commented that the IBES test lab was a boon for the Australian IT community as it allowed it to develop capabilities, products and services that would be highly exportable to the rest of the world. “The potential return for Australian IT exports, in terms of products, services and IP, is enormous,” he said.

The IBES Industry Partner Program, which now numbers around 15 major companies, promotes and facilitates collaborative interactions between partners and the Institute.

Geoff Long

## **Optus launches intelligent traffic information service**

Optus has launched a national road traffic information service called Trafficview, designed to deliver a real-time view of traffic conditions by using live data collected from the Optus mobile network. The firm has touted the service as enabling its mobile customers to stay one step ahead of traffic congestion, providing them with access to traffic maps, alternative travel routes and the option of SMS traffic incident alerts in some major cities.

“Optus Trafficview enables us to use our network intelligence to directly benefit our customers while they’re on the road,” said Optus’ head of digital products Mark Mulder. “The service analyses a combination of Optus 2G and 3G mobile data, looking at how fast or slow our customers are moving over time and then comparing this information to road networks.”

The new offering deploys a technology called Cellular Floating Vehicle Data to generate traffic infor-

mation by anonymously processing vehicle data information from the Optus mobile network.

Optus is offering mobile customers a free 14 day trial of the Trafficview service. To access the service customers need to have either a 3G compatible handset or a mobile phone with GPRS capability and an XHTML browser.

Miro Sandev

## **Telstra links up public schools to broadband future**

Telstra has officially finished the NSW school broadband network rollout that has equipped over 2,400 sites with high-speed broadband.

Telstra was awarded the \$280 million contract to lay over 4,500 kilometres of fibre across NSW to service public schools and TAFE centres in November of last year. NSW Minister for Education and Training Verity Firth said that NSW public schools would now have access to high-speed, reliable internet services after the successful rollout.

“We have equipped the state’s 1.2 million public school and TAFE students with internet access that allows them to use their email, video conferencing and interactive whiteboards in the classroom,” Firth said. “This investment, coupled with our \$158 million Connected Classrooms initiative and the Commonwealth government’s \$442 million Digital Education Revolution in NSW has resulted in unprecedented investment in technology in public schools.”

Telstra CEO David Thodey said the network would provide students and teachers with access to technology that was never previously possible. “Our children are growing-up in a world where high-speed broadband will be an essential tool for learning about the world and connecting with others,” said Thodey. “These 1.2 million students are now connected to Telstra’s high-speed broadband network, giving them speeds that are equal to many of Australia’s largest companies.” 10 contracted schools remain to be linked up and Telstra expects those sites to be connected by the end of the year, but the infrastructure rollout has been officially met having exceeded the contracted target of 95% completion.

Miro Sandev

## **BT ramping up in Australia as part of MNC push**

BT is pursuing a strategy that now focuses its business around the top 400 global companies. Senior BT executives at its Asia Pacific Analyst & Media event in Hong Kong yesterday said the operator will put into place an accelerated growth programme to target top global MNCs.

As part of the programme, BT plans to add 300 staff across the Asia Pacific region, including China, India, Japan, Australia and Singapore.

In Australia, the company will be hiring new staff in Sydney, Melbourne, and Perth, Kevin Taylor, managing director for Asia Pacific, BT Global Services told CommsDay on the sidelines of the event.

While Taylor did not reveal exact numbers for Australia, the hires will be across a number of business functions including sales, service delivery and customer support. One particular focus will be on bulking up the operator’s professional services capabilities.

The new hires are part of BT’s global focus to target what Taylor denotes as the top 400 companies in the world. “These are the multinational customers, and they are the customers we truly are focused on. So we can have specific focuses at them, understand what they need to growth their business – so pin-point targeting is important in this process,” Taylor said, adding that the hires, as well as the overall investment, will be “customer dependent.”

According to Taylor, Asia Pacific is becoming a key region in that strategy, citing a “huge growth in A-end business.” At the same time, many of the operator’s global MNC customers such as CLSA, PepsiCo, Nestle, Siemens, Swift, Cochlear and DHL are now moving their decision making down to the region level. “The majority of the customers are all making their decisions locally,” Taylor said.

Conversely Asian companies are now becoming key global players requiring solutions to drive business growth. BT’s key Asia-based customers include Air China, Huawei, Haier and Wipro.

“What we are seeing is a shift in trend. This is traditionally been a geography of do-it-yourself around network IT services. We are starting to see a significant trend where CIOs and CXOs are talking about

'how do we take these things that are complex for our customers, their mission-critical, but they are not core to what we do, how do we find a partner that will take care of it for us',” said Todd Handcock, vice president, business operations, Asia Pacific at BTGS. “So we are seeing those customer starting to see the value in the outsourcing space, in the managed services space.”

To support that, BT’s product investment will be focused around managed network services, customer relationship management, unified communications and managed security services, Handcock added.

Tony Chan in HK

## **Election aftermath sees record mobile traffic**

A spike in the number of people using their mobile phones to access news sites occurred during the recent election and its aftermath, according to the latest mobile traffic figures released by The Nielsen Company. Nielsen’s Mobile Market Intelligence service, which measures mobile web site traffic, saw overall volume jump by 19 percent in August, with the major news publishers the key beneficiaries of the increase in traffic.

“The increasing ownership of smartphones and more affordable mobile data pricing plans have seen mobile Internet usage increase in recent months,” commented Matt Bruce, MD of Nielsen’s online division in Australia. “This growth was given an extra jolt in August as Australians looked to mobile news sites via their mobile phones for updates on the election results and the subsequent negotiations with the Independents.”

Amongst the major news sites, Nine News (ninemsn.com) saw the largest increase in mobile traffic with a daily average of around 79,500 unique browsers during August 2010, up 27 percent from July 2010. Fairfax Digital’s SMH and The Age mobile sites were up 21 percent and 18 percent respectively, while News Digital Media’s news.com.au increases 18 percent.

Bruce pointed out that major spikes in mobile Internet usage to news sites were recorded on the day of the Federal Election and the day following (21 and 22 August), and then again on Tuesday as the three Independents announced their decision, and the subsequent news that Labor had won the election.

Geoff Long

## **Comscentre eyes telco opportunity in aged care sector**

Brisbane-based business telco Comscentre is seeking to tap into the aged care sector by demonstrating how it can reduce communications costs.

The company will join with The Grand Plan, a national campaign which aims to increase support and funding to Australia’s rapidly ageing population, and discuss ways in which it can improve the efficiency of their voice and data systems, according to Comscentre business development manager Trent Viengsone. “The goal is to save them money, enabling them to offer a higher quality of service to their residents, and even delivering them new revenue streams,” he said.

Comscentre’s communications model converges existing voice and data networks on a single IP-based network. Viengsone claimed the average \$30 phone line rental charge could drop to around \$10 a month while 25 cent local calls could lower to 15 cents.

“Where these providers have multiple sites spread nationally, the cost savings and efficiencies are even stronger with interstate calls being charged at local rates,” he said.

Geoff Long

## **SALMAT LANCHES NEW STRATEGIC OPERATION IN MANILA**

Australian communications company Salmat has made its latest power play in Manila, the Philippines where it has launched a new all-in-one facility. The new facility hosts Salmat’s contact centre services, computer programming support, digital and web content management, data entry and image processing, creative services, and other IT and outsourcing services for its ANZ clients. The Salmat operation currently employs 240 staff and has capacity for another 100. “Salmat is committed to growing its operation in the Philippines,” said Salmat CEO Grant Harrod. “The Philippines’ talent pool and their value for work helped Salmat maintain the quality of our services from contact solutions to IT management, which is

why we are increasing our capacity in the country.”

## **NEW ZEALAND**

### **Goldman Sachs upbeat on Telecom NZ after UFB announcement**

Goldman Sachs and Partners NZ analyst Tristan Joll said the announcement shortlisting bidders with infrastructure and commencing negotiations in a few trial areas was not entirely surprising. However, he says the scale of those areas, which include Hamilton and Tauranga “exceeding our expectations of government's preparedness to test the water with other providers.”

Joll said this increases the pressure on Telecom NZ to negotiate in the remaining 85% of coverage areas. At the same time he said it highlights the importance of co-operation.

Although the market reaction to the announcement was negative, Joll said this overlooks Telecom NZ's strong performance over the last quarter, the removal of Axia Netmedia and the fragmentation of the NZRFG. In effect Telecom NZ is left as the only national bidder in the process.

Bill Bennett

### **Timaru's Alpine Energy in the first wave**

The South Canterbury city of Timaru is an unlikely place to lead New Zealand's fibre revolution, but the local lines company Alpine Energy has been named as one of three bidders to enter detailed binding negotiations to build a local fibre network.

Alpine Energy CEO Andrew Tombs told CommsDay: “Timaru is small, just 20,000 or so residents. The distance to cover and the hardware requirements are nothing like they'd be in one of the large metro areas.” Tombs said he had no idea why his company should be among the first to enter the negotiation stage, although he did say his team put a lot of hard work into the proposal.

Alpine Energy has a limited amount of fibre already in the ground. Tombs said this is mainly to manage the company's electricity assets - there is no Alpine Energy fibre connecting residential homes or local businesses.

Meanwhile, Tombs is keen to get started. He said: “If we're successful, I'd like to be putting fibre in the ground as soon as possible. Of course this is all subject to shareholder and board approval.”

Bill Bennett



## **COMMENT BY MICHAEL WIGLEY OF WIGLEY & CO**

### **A good start for CFH but more thinking needed**

There are legitimate criticisms regarding how Crown Fibre Holdings has gone about the Ultra Fast Broadband bid process. CFH, the government-owned company tasked with getting UFB rolled out in tandem with private sector providers, could have done a smarter job to maximise outcomes while complying with the various rules that public sector entities such as CFH must follow.

But credit where it is due. Picking out three power lines company parties to go to negotiation first is masterful. This dispels the rumours that there was a smoky-room national done-deal with Telecom. There is a real firmness about the approach which is great from a negotiating perspective: this is a gutsy call by CFH and the Minister.

Importantly, this is not the end game. There is much reflected in CFH chair Simon Allen's carefully chosen words, “CFH is open to either a Telecom, New Zealand Regional Fibre Group solution, or some form of combination for the balance of the UFB project”

This sets the scene for further negotiations and developments, nationwide or otherwise, particularly as Telecom has been calling for Chorus to win the contract nationally. Even the three lines company bidders can fit within some sort of structure that involves Telecom.

The fat diva hasn't sung yet.

This is an immensely complex situation, with lots of major and sub-plays. UFB “losers” for example may end up winners as they are brought into deals as partners or suppliers.

The bidders will be applying some smart thinking to how to maximise their positions, based on a whole range of scenarios.

CFH knows this of course. It is doing many things to get the best outcome. There is little sign of an optimal approach in the way in which the procurement regime is designed and implemented. CFH, like all public entities, has a bunch of public sector rules it must follow. Generally, if these rules are applied well, they are the servant, not the enemy, of great and commercial negotiations and outcomes. They are very helpful rules if used well and strategically.

CFH is entering the phase when encouraging the parties to do deals between them is increasingly important. This was always on the cards. There are 3 key aspects here:

- Axia has been dropped, leaving only two major groups. This means that encouraging favourable deals without compromising competitive tension and best outcomes will be exceptionally difficult. It's doable but requires highly capable negotiation smarts.
- CFH has to do this in the framework of the public sector rules such as probity and procurement compliance. If it doesn't it might be sued or have other action taken, especially given what's at stake. As I note above, this is not optimised, and fulfilling the regime is a servant not an enemy of great outcomes. People often say the rules are impractical and a pain. That's not right for they facilitate great outcomes in the right hands. It's the application of the rules that makes the difference. Getting the strategy right in the context of the rules puts it in a better not worse position. CFH could do with some clever procurement and probity strategy advice.
- Parties talking together about bids, and talking also in that context to CFH, run significant Commerce Act risk. This risk applies not only to, say, a lines company and Telecom talking, but also to CFH and even government if it is involved. Central government is subject to the Commerce Act and can be a party to a primary breach by, say, a vendor: the Courts can make a declaratory judgment against central government.

Ironically, last week, the Commerce Commission issued guidelines on the Commerce Act, bid rigging and collusive tendering. How to recognise it. How to avoid it. And what the Commission might do. Potential penalties for breach are up to \$10M or even higher depending on the circumstances.

Bid rigging is a variation on a big theme for the Commerce Commission: cartels in breach of the Commerce Act. What's hard for suppliers, even when encouraged to talk together by CFH, is the ease with which the Commerce Act boundaries are broken, particularly now that Axia is out of the play. The line between a bid rigging cartel, and conduct that doesn't breach the Commerce Act, can be hard to pin, and can be risky, especially in informal situations. This can also easily bring CFH into breach too if care is not taken.

There are ways through this, which minimise risk and optimise outcomes. But the way CFH ran earlier communications with suppliers (numerous informal discussions rather than a best practice approach) indicates there's heightened risk. CFH and the parties should be jumpy about this: there's enough at stake for someone to take legal action.

But it's important for New Zealand for CFH to get this right. This week's CFH announcements are encouraging and bold.

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